

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

NOVO NORDISK INC.,

Plaintiff,

v.

JAMES VINCENT STEPHENS and BIOMARIN
PHARMACEUTICAL INC.,

Defendants.

Case No. 6:19-cv-1092 (BKS/ATB)

**STIPULATION AND ORDER IN CONNECTION WITH
PLAINTIFF'S REQUEST TO AMEND ITS COMPLAINT**

WHEREAS, on September 24, 2019, October 8, 2019, October 29, 2019, November 18, 2019, December 6, 2019 and December 24, 2019, plaintiff Novo Nordisk Inc. ("Plaintiff Novo Nordisk") and Defendant BioMarin Pharmaceutical Inc. ("Defendant BioMarin") filed stipulations and proposed orders to extend the time for Defendant BioMarin to answer, respond to, or move with respect to Plaintiff Novo Nordisk's Complaint. Each of these stipulations were so-ordered by the Court as follows: September 26, 2019 (ECF #14), October 9, 2019 (ECF #20), October 30, 2019 (ECF #25), November 19, 2019 (ECF #30), December 11, 2019 (ECF #33), and December 30, 2019 (ECF #37).

WHEREAS, ongoing discussions between Plaintiff Novo Nordisk and Defendant BioMarin aimed at resolving this matter have reached an apparent impasse, and continuation of the litigation appears necessary.

WHEREAS, Plaintiff Novo Nordisk seeks to amend its Complaint and has requested Defendant BioMarin grant its consent to a request for leave to amend. In turn, Defendant

BioMarin will not consider consenting to any amendment without first reviewing the proposed amended pleading.

THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiff Novo Nordisk Inc. and Defendant BioMarin Pharmaceutical Inc., through their respective undersigned attorneys, as follows:

1. On or before January 29, 2020, counsel for Plaintiff Novo Nordisk shall deliver a draft Amended Complaint to counsel for Defendant BioMarin.

2. On or before February 7, 2020, counsel for Defendant BioMarin shall advise counsel for Plaintiff Novo Nordisk whether Defendant BioMarin consents to the amendment of the current Complaint.

3. Should Plaintiff Novo Nordisk obtain all necessary consents to amendment of its Complaint it will file, on or before February 14, 2020: (i) a Stipulation consenting to amendment of the Complaint; and (ii) the Amended Complaint. Defendant BioMarin shall move or otherwise respond to any such Amended Complaint on or before February 28, 2020.

4. Should Plaintiff Novo Nordisk not receive all necessary consents permitting amendment of the Complaint, it shall on or before February 14, 2020 request a court conference before United States Magistrate Judge Baxter as required prior to the filing of a non-dispositive motion pursuant to Local Rule 7.1(b)(2).

5. In light of Plaintiff Novo Nordisk's intention to seek consent and/or leave to amend, Defendant BioMarin's time to respond to the initial Complaint (ECF #12) is hereby stayed until further Order of the Court.

6. This Stipulation may be executed by facsimile or other electronic means (*e.g.* pdf) in lieu of the original.

Dated: Princeton, New Jersey
January 15, 2020

MORGAN, LEWIS & BOKIUS LLP

By: /s/ Thomas A. Linthorst
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Attorneys for Plaintiff Novo Nordisk Inc.

Dated: New York, New York
January 15, 2020

JONES DAY

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Attorneys for Defendant BioMarin Pharmaceutical Inc.

IT IS SO ORDERED this ____ day of January 2020.

Hon. Andrew T. Baxter
United States Magistrate Judge